

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America, )  
Plaintiff, ) File No. 22-cr-162  
v. ) (DSD/TNL)  
Joshua Gunnar Olson, ) Courtroom 9W  
Defendant. ) Minneapolis, Minnesota  
Friday, October 14, 2022  
10:07 a.m.  
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BEFORE THE HONORABLE TONY N. LEUNG  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE  
**EXCERPT - MOTIONS HEARING - NOT SEALED**

APPEARANCES

For the Plaintiff: UNITED STATES ATTORNEY'S OFFICE  
BY: EMILY POLACHEK  
600 United States Courthouse  
300 South Fourth Street  
Minneapolis, Minnesota 55415

For the Defendant: CAPITAL CITY LAW GROUP LLC  
BY: A.L. BROWN  
287 East Sixth Street, #20  
St. Paul, Minnesota 55101

Court Reporter: RENEE A. ROGGE, RMR-CRR  
United States Courthouse  
300 South Fourth St., Box 1005  
Minneapolis, Minnesota 55415

Proceedings recorded by mechanical stenography;  
Transcript produced by computer.

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**P R O C E E D I N G S**

**IN OPEN COURT**

THE COURT: Thank you, everyone. Please be seated.

Good morning, everyone. This is the United States District Court for the District of Minnesota. And the case before the bench today for a motion is captioned as follows: The United States of America versus Joshua Gunnar Olson, Case Number 22-cr-162.

Starting with government counsel, please identify yourself for the record.

MS. POLACHEK: Good morning, Your Honor. Emily Polachek on behalf of the United States.

THE COURT: Good morning. Thank you for being here.

And on behalf of Mr. Olson.

MR. BROWN: Good morning, Your Honor. A.L. Brown.

THE COURT: Good morning, Mr. Brown. Thank you for being here.

And Mr. Olson, I take it?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. Good morning, sir.

All right. We're here on defense counsel's motion to withdraw as counsel of record without substitution. It's ECF Number 14.

1           And so I think given the nature of the  
2       proceedings, I believe it would be best to go ahead and  
3       excuse the government. And so this -- I just want to create  
4       a little bit more of a record, though.

5           This matter was originally scheduled for  
6       arraignment and motions hearing on September 20. However,  
7       on August 29 Attorney Brown filed a motion to withdraw as  
8       counsel. The court set the matter for a status conference  
9       on September 9. Mr. Olson refused to come to court for the  
10      status conference and did not appear.

11          And then the court scheduled a hearing on Attorney  
12      Brown's motion to withdraw as counsel on September 20.  
13      Mr. Olson again refused to come to court for that hearing  
14      and did not appear.

15          At the hearing on September 20 the court continued  
16      the hearing to today's date and authorized the U.S. Marshals  
17      to use force, if necessary and reasonable, to bring  
18      Mr. Olson here, in the event that he refused to come to  
19      court again.

20          And now that Mr. Olson is present in court, the  
21      court will move forward with addressing Attorney Brown's  
22      motion to withdraw as counsel of record without  
23      substitution.

24          And before I excuse counsel for the government,  
25      Ms. Polachek, I would ask you to state the charges against

1 Mr. Olson and their maximum and minimum penalties, if you  
2 could.

3 MS. POLACHEK: Yes, Your Honor.

4 Mr. Olson is charged by indictment in Count 1 with  
5 carjacking, in violation of 18 U.S.C. Section 2119, and in  
6 Count 2 with being a felon in possession of a firearm, in  
7 violation of 18 U.S.C. 922(g)(1). The maximum penalties for  
8 the carjacking offense --

9 THE COURT: That's Count 1; is that right?

10 MS. POLACHEK: Yes, Your Honor.

11 The maximum is 15 years on Count 1. And due to  
12 the timing of the offense, he is subject to the ten-year  
13 mandatory -- or the ten-year maximum on the felon in  
14 possession and not the new 15-year statutory maximum.

15 THE COURT: So his max on Count 1, the carjacking,  
16 is 15 years?

17 MS. POLACHEK: Yes, Your Honor.

18 THE COURT: And the max on Count 2, the felon in  
19 possession, is 10 years?

20 MS. POLACHEK: Yes, Your Honor.

21 THE COURT: Okay. And then minimum penalties?

22 MS. POLACHEK: No, no minimum penalties apply at  
23 this time.

24 THE COURT: Okay. All right. Based on the record  
25 you have?

1 MS. POLACHEK: That's correct, Your Honor.

2 THE COURT: All right. Okay. All right.

3 All right. With that, I'll go ahead and excuse  
4 the government.

5 MS. POLACHEK: Okay. Thank you, Your Honor.

6 THE COURT: And do you want to just wait outside?  
7 Can't go home.

8 MS. POLACHEK: Yes, Your Honor. I'll be right  
9 outside the courtroom. Thank you.

10 **(Whereupon, the sealed portion of the hearing**  
11 **began.)**

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7                   **(Whereupon, the sealed portion of the hearing**  
8                   **ended.)**

9                   THE COURT: Okay. The record should reflect that  
10                  the court's invited Ms. Polachek back into the courtroom and  
11                  we've completed the sealed part of the record.

12                  And the court will just inform the government that  
13                  the court has ruled on defense counsel's motion to withdraw  
14                  as counsel of record without substitution, ECF Number 14,  
15                  and granted defense counsel's motion and that the court will  
16                  be requesting if the Chief Federal Defender would appoint  
17                  another counsel for Mr. Olson.

18                  And I think that's all the government needs to  
19                  know at this time.

20                  MS. POLACHEK: Thank you, Your Honor.

21                  THE COURT: Okay. That concludes the hearing  
22                  today.

23                  Thank you, everyone. Thank you, government, and  
24                  thank you for your patience. Thanks everybody for their  
25                  patience as well.

1                   And thank you, Mr. Brown, for your work on this  
2                   case.

3                   And, Mr. Olson, all right, we'll get you another  
4                   attorney and -- but remember what I said here today. All  
5                   right?

6                   THE DEFENDANT: Yeah, just one more thing for the  
7                   record, Your Honor.

8                   THE COURT: Yeah. Now, be careful. Let me advise  
9                   you. Anything you say can and will be used against you in  
10                  court. And the government is here, right?

11                  THE DEFENDANT: Is this the portion for the -- the  
12                  portion of the charges that aren't sealed?

13                  THE COURT: No, I'm talking about anything you say  
14                  at this time can be used against you.

15                  THE DEFENDANT: I'm curious what hearing this is.

16                  THE COURT: What?

17                  THE DEFENDANT: What hearing is this?

18                  THE COURT: We just concluded our motion to  
19                  withdraw hearing.

20                  THE DEFENDANT: Okay. Can I get on the record  
21                  when I'm going to have a detention hearing?

22                  THE COURT: You can make that request.

23                  MS. POLACHEK: Your Honor, Mr. Olson waived his  
24                  detention hearing at his initial appearance, and that's why  
25                  we were supposed to have arraignment at the time of the

1 pretrial motions hearing. So I would imagine that if he  
2 would like to change that under 3142(f), he should raise  
3 that with his new counsel.

4 THE COURT: There's -- you will have to go through  
5 the proper procedures. Mr. Olson, you probably want to wait  
6 for your new lawyer and talk to your new lawyer first, but,  
7 you know, I --

8 THE DEFENDANT: Initial appearance -- yes, Your  
9 Honor.

10 THE COURT: What?

11 THE DEFENDANT: Initial appearance was with Doug  
12 Micko, and he initially waived it until a further date, as  
13 per language on the court minutes in St. Paul, Minnesota,  
14 based off of the reasoning that I had other court dates in  
15 the State of Minnesota, one in the Anoka County, and until  
16 that was resolved we waived the initial detention hearing  
17 until a further date.

18 So I have not waived it indirectly or directly.  
19 It was just a period of extension.

20 THE COURT: You will have to make a proper motion  
21 before the court and bring that issue up.

22 THE DEFENDANT: Thank you, Your Honor.

23 THE COURT: Yep.

24 All right. Thanks, everyone. We are in recess.

25 THE CLERK: All rise.



1 (Court adjourned at 11:44 a.m., 10-14-2022.)

2 \* \* \*

3 I, Renee A. Rogge, certify that the foregoing is a  
4 correct transcript from the record of proceedings in the  
5 above-entitled matter.

6 Certified by: /s/Renee A. Rogge  
7 Renee A. Rogge, RMR-CRR

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